United States District Court, Northern District of Illinois

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Na	me of Assigned Judg or Magistrate Judg		I. Shadur	Sitting Judge if Other than Assigned Judge	_						
CA	SE NUMBEI	04 (C 856	DATE	2/4/2	4/2004					
CASE TITLE			The Gourmet Center, Inc. vs. Sage Enterprises, Inc.								
MOTION: [In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]											
DOG	CKET ENTRY:										
(1)	☐ File	d motion of [use listin	g in "Motion" box ab	ove.]							
(2)	☐ Brie	Brief in support of motion due									
(3)	□ Ans	Answer brief to motion due Reply to answer brief due									
(4)	☐ Rul	Ruling/Hearing on set for at									
(5)	□ Stat	Status hearing[held/continued to] [set for/re-set for] on set for at									
(6)	☐ Pre	Pretrial conference[held/continued to] [set for/re-set for] on set for at									
(7)	☐ Tria	Trial[set for/re-set for] on at									
(8)	□ [Be	[Bench/Jury trial] [Hearing] held/continued to at									
(9)		This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to] □ FRCP4(m) □ Local Rule 41.1 □ FRCP41(a)(1) □ FRCP41(a)(2).									
(10)	(10)										
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(11)	[Fo.	r further detail see orde	r on the reverse side	of the original minute of	order.]						
	No notices required	I, advised in open court.				Document Number					
	No notices required				number of notices	Number					
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IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

THE (GOURMET CENTER,	INC.,)				
		Plaintiff,)				
	v.)	No.	04	С	856
SAGE	ENTERPRISES, I	NC., et al.,)				DOCKETED
		Defendants.)				FEB 5 - 2004

MEMORANDUM

The Gourmet Center, Inc. ("Gourmet Center") has just filed a 13-count Complaint against Sage Enterprises, Inc. ("Sage") and LaSalle Business Credit, LLC ("LaSalle"), invoking federal subject matter jurisdiction on both federal-question and diversity-of-citizenship grounds. That second claimed jurisdictional basis is flawed, because unlike the Complaint's proper citizenship allegations as to Gourmet Center (Complaint ¶1) and Sage (Complaint ¶2), its allegation as to LaSalle is defective for the reason repeatedly stated (with increasing impatience) by our Court of Appeals beginning with Cosgrove v. Bartolotta, 150 F.3d 729, 731 (7th Cir. 1998) and continuing through the most recent articulation in Belleville Catering Co. v. Champaign Marketplace, L.L.C., 350 F.3d 691, 692 (7th Cir. 2003).

Because of the belt-and-suspenders nature of the jurisdictional allegations, no curative filing by Gourmet Center's counsel will be required unless and until some serious

7

question may be raised by defendants as to federal-question jurisdiction. But this sua sponte memorandum is clearly called for in any event because regular practitioners in the federal courts, such as the two law firms representing Gourmet Center, really ought to be aware of something so fundamental.

Milton I. Shadur

Senior United States District Judge

Date: February 4, 2004

¹ Though one of those law firms is California-based, the jurisdictional principles stated by our Court of Appeals (and some others) as to the citizenship of limited liability companies (just like all other unincorporated entities) are universally applicable.